IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.133 OF 2006

Smt Nirmal V. Aggarwal ...Petitioner

v/s

Sri.Shiv Kumar Gupta and ors. ...Respondents

Mr K.N. Nemade for Petitioner.

Mr B.S. Chandnani for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 25TH SEPTEMBER 2006.

P.C. :-

1. This petition is taken out by the partner of the partnership firm for interim order. The only relief claimed in the petition is for appointment of Court Receiver on a flat which is said to be the asset of the firm. No other interim relief is claimed in the petition. It is clear that under the provisions of Order 40 Rule 1 sub-rule (2) of the C.P.C. the Court cannot by appointment of Court Receiver disturb possession of the property of any person in relation to whom a party to the suit has no such right. Admittedly, the property is in possession of the licensee, though the licence period has expired, the licensee is holding over the property. Therefore, there is no question of appointment of Court Receiver on the property. There is no other relief claim in the petition. Petition is therefore rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.